



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Remediation
William R. Snodgrass TN Tower
312 Rosa L. Parks Avenue, 14th Floor
Nashville, Tennessee 37243

A.K. Stewart Science Building Rulemaking Hearing
July 7, 2016

Division of Remediation's Response to Public Comments

The Division of Remediation (DoR) conducted a rulemaking hearing on July 7, 2016 to consider adding the A.K. Stewart Science Building to the List of Inactive Hazard Substance Sites. The public was able to provide comments in two ways: 1) in person during the meeting, 2) submitting a comment in writing by mail or by email. DoR accepted comments until 4:30 pm CDT on July 21, 2016. Six members of the public provided input during the hearing and two citizens provided comments by email.

Criteria for listing a site to the Tennessee List of Inactive Hazardous Substance Sites is promulgated in Rule 0400-15-01-.07 and includes the site shall (a) be inactive, (b) have the presence of hazardous substances, and (c) pose or may reasonably be anticipated to pose a threat to public health, safety, or the environment.

Comments received during the hearing

Comment: From what I have been able to gather from a handful of questions I was able to ask people from TDEC is that there are a lot of unanswered questions in the building regarding the extent of contamination beyond what EPA was able to address. EPA had a very specific immediate remediation initiative to remove a lot of obvious waste and there seems to be a bunch of problems going forward and it seems like TDEC mentioned that there was an issue with the ruling only being able to pertain to current factual information but there seems to be a big concern about other waste that might be present but hasn't currently been evaluated and the need for that to be and what seemed like a priority going forward and designating this place as an inactive hazardous waste site. You know for instance whether or not there is any hazardous waste chemicals present in standing water in the building, whether or not water is getting into and out of the building in any way that would be substantially impactful to the other buildings on that site or the surrounding community and how much of the material itself is effected by mercury absorption if at all, aside from this its presence on surfaces and in the air. So I guess this my only immediate concerns is if TDEC can only rule from factual information it seems like a problem if there is a bunch of information for which TDEC and the EPA seems to have the facts for.

Response: TDEC-DoR believes that more investigation and information is needed to ensure the protection of public health, safety, and the environment. As part of the public hearing process, DoR was seeking factual data that any attendee might provide to assist in this investigation.

Comment: I was present at a couple of hearings or meetings in Mechanicsville. There are only two points that I am concerned about--1.) Is that concerns about access to the buildings and safety in terms of locking the buildings down. That doesn't seem to be anything that is insurmountable. To get to the point that is that you can put bars up, so I wonder why that is something of major consideration when it can be dealt with. 2.) The other thing that concerns me is that in one of the meetings was some discussion about all the chemicals being in the building and Knoxville College being charged X amount of money, I think it appears to be half a million dollars for it being cleaned up. The point that was raised was that Historically Black Colleges and Universities (HBCU's) do not just go out and buy these chemicals. These chemicals usually get on these college campuses through some kind of programs, be it of State level or Federal level. And if they are on the campus, it would seem to me that you can't do that without somebody having some liability for it. Most of those programs like that whoever is a partner in the program, especially when it has to do with chemicals is going to bear the brunt of the liability when the program ends, what happens to the chemicals. So obviously if the college is closed, then the program is end. Who was the partner and what happened? So it appears to me that we also should be considering trying to identify who the partner is so if you have some issues of getting some more evaluations done it doesn't become something where you say we don't have extended funds to do that. Probably the partner has deep pockets and can do something about that. Those things concern me and we will just sit up and consider these things without looking a little bit deeper into what we are talking about here because we all know that the school is trying to move forward. You know the history of it. It was shut down to get everything reorganized to reopen again. So their plan not sitting still but to move forward, not taking issue with you putting some kind of red tag on it which can put some negativity toward partners who want to see the school move forward, partners who want to develop the property and if you put the tag on there like there is some great mushroom cloud so that then hampers the ability to do that. I would hate to see us not be thorough in this in light of the fact that the school is trying to make such a monumental move to make sure another HBCU school is trying to survive and move forward to help HBU students so we shouldn't take these things lightly.

Response: Security has been a concern at the A.K. Stewart Science Building since the discovery of the unsecured hazardous substances in June 2014. DoR will continue to work with Knoxville College on their proposed solutions to this safety issue. DoR routinely performs research to identify potential liable parties at an inactive hazardous substance site. Liable party, per Tennessee Code Annotated 68-212-202 means (A) the owner or operator of an inactive hazardous substance site; (B) Any person who at the time of disposal was the owner or operator of an inactive hazardous substance site; (C) Any generator of hazardous substance who at the time of disposal caused such substance to be disposed of at an inactive hazardous substance site; or (D) Any transporter of hazardous substance which is disposed of at an inactive hazardous substance site who, at the time of disposal, selected the site of disposal of such substance. If you have information or documentation that would help identify additional liable parties for the A.K. Stewart Science Building, please submit that information to:

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Comment: I have had some experience in the work that needs to be done here, but I would suggest that I am not sure how the order is going to be written but they ought to be an effort to characterize all the drains that come out of the building and determine if those drains were tight and if there were any leaks in the area because the stuff that was discharged into the building for the most part was probably thrown down the drains. With regard to the mercury, I would be concerned about any exhaust fans you have in the building and what is the plumb for the exhaust fans and if they are released into the atmosphere because mercury plates out and one way to keep it out of the building is to keep the building ventilated. In the past, if any clean up or modifications has been done on this building that resulted on contractor waste, you really need to know where that went when it was disposed of because all of the things I am mentioning are possible areas of contamination and that's one possible area. But these three things ought to be looked at, I think, and probably some others but as a part of making this building clean, so that if getting the site operating as a school again, there will not be any residual hazards on that school site to plague the school at a later time. I would recommend that you consider these three items when writing your order and broaden it enough to cover the outfalls of the sewers and you may want to do some boring to see if there is any contaminated ground in the area.

Response: Any pathway for mercury or other contaminants to exit the building or for contaminants to remain in the building will be important in the final evaluation of the building and surroundings. DoR agrees with the citizen's recognition of the drains and exhaust systems as being potential issues for any release and that any waste manifest records that might detail previously removed waste from the science building should be located, if such records exist.

Comment: I am the neighborhood coordinator for the City of Knoxville. I just want to make it clear in the record that there are neighborhoods around the area of the Knoxville College site and surrounding science building. There are 100's of homes within a one mile radius of the building, some of those neighborhoods are represented here tonight. Speaking personally, I am concerned, first of all I would point out that it has been difficult to secure the building. Other buildings on the campus that could not be secured have had fires in them. My main concern on behalf of those neighborhoods is that if the science building where to catch on fire what happens to the mercury that is in that building and how does that get distributed.

Response: DoR is also concerned about the on-going security of the building and what would happen if a fire did occur inside. DoR will continue to work with Knoxville College to find a solution for security at the science building.

Comment: I am the chair of development committee for Knoxville College Board of Trustees. We are dealing with some sensitive issues here so I wanted to give a brief update, comment on what we have been working on with the EPA just as of last week. Our goal is to keep the A.K. Stewart Building safe and sealed, right. We do have people who are going on campus trying to get into these buildings, right, but we are trying our hardest to keep these buildings safe and secure for you guys, especially for us and for the neighboring communities. We had the EPA out last week and they did a re-inspection of the science hall building and minimal mercury was found. The inspector educated us that it was the amount of a teaspoon or the amount that you would find in a thermostat as of today. This is a recent report that was actually sent to the TDOR as well. We are not taking it lightly

that it was just a small amount because it is still there but we want the community to know and not be afraid that it is this mountain of environmental waste that is sitting in this building that is contaminating the area or going down to the local communities like the gentleman said, so we just wanted to let you guys know that. Our role in that is to make sure that before we occupy that building be it if is going to be demoed, be renovated or sold that we have to educate the new buyer, contractors, whomever that will be so that we can get the proper professional services in there to remove that because no you shouldn't be in that building with the mercury even at that small amount, so we are not going to occupy that building or let anyone else occupy that building without disclosing the EPA report and we want you guys to know that, our role is to keep it as sealed as possible. We are looking at different ways to secure the building. The plywood option is obviously the vagrants have mastered how to get past those types of things and that's why you see the innovation of metal to secure these types of buildings. That is something that we are looking into. We want to let you guys know that it is contained to this building. So again wanted to show our presence here as a board member and also as an alumnus of Knoxville College and we want to see Knoxville College come back and we are not going to put the community at risk, especially knowingly. We are going to work closely with this team to continue to monitor this building, to continue to be open with them, continue to have conversation with them so that they can guide us, they are the professionals on this, and we are not the professionals on this. So we want to be educated on how to ventilate this building, how to secure this building and how to report and monitor this building once it is repurposed.

Response: DoR will work with Knoxville College on their solutions for security, safety, and protection of human health and the environment from hazardous substances discovered at the science building. For clarification, the EPA report summarizing the mercury reassessment conducted June 27, 2016, identified elevated mercury vapors present in the science building, as well as visible mercury in a hallway in an amount estimated to be less than a teaspoon.

Comment: I live in the neighboring community of Lansdale and to piggy back a little on what has been stated on Knoxville College. I am also an alumnus but it is of grave concern of what I have learned throughout the communication this evening that there is limited communication that we know at this point that it was an emergency removal and in depth studies have not been taken care of as of to date. So I would ask that we not react before getting more info about what is available especially with such great strides being made at this point at Knoxville College as well as the community of Mechanicsville which we have a great partnership with, have been communicating with so before we make any drastic decisions on a community that is thriving, has a strong association not with just the surrounding counties, communities as well as with Knoxville College and it is nicely nestled in the Mechanicsville Community and have the opportunity to grow together. So until we get more info I would assert that it may be premature to jump into any exacerbated decisions at this point.

Response: DoR desires to assist with revitalization of communities through ensuring inactive hazardous substance sites are safe for their intended uses and that they do not harm the communities where they are located. DoR believes additional investigation and evaluation is needed at the A.K. Stewart Science Building to ensure protection of public health, safety, and the environment.

Comments received by email prior to July 21, 2016

Comment: Per [an] article in the Knoxville News Sentinel concerning the Mercury-infested building at the Knoxville College, I am submitting a comment as to what should happen to the facility as well as the institution in general. While Knoxville College has a longstanding history of providing education to blacks since 1875, the condition of the buildings, especially with the Science Building, are clearly a danger to the public. In addition, the college has zero chances of regaining accreditation; finances are abysmal, and turnover in the administration. A better solution would be to close Knoxville College permanently, raze the buildings (including the Science building), and for the land to be sold to cover the outstanding debts of the school. Then, the land could be used to develop housing for low-income individuals or the homeless population, a community center celebrating the history of the college or a park.

Response: DoR's role in this process is to protect human health and the environment. DoR will continue to work with all concerned parties to address the issues related to hazardous substances at the science building, and only the science building.

The following was received via email from a commenter who also spoke during the public hearing. The citizen's name has been replaced by [the citizen] whenever it is mentioned within the email.

Comment: [The citizen] informed DOR that Knoxville College was in the process of the redevelopment of its entire campus site and that DOR is aware of this effort. Further stated, was that actions such as placing the building such a list could jeopardize redevelopment efforts. DOR concern for security of building – [the citizen] states that if security of a building is a serious problem, the college could place bars on the first level of the building, thus eliminating this concern. DOR implicating Knoxville College as responsible party for hazardous site – [the citizen] states 1) that most, if not all Historically Black Colleges & Universities (HBCU) do not have direct access to hazardous chemicals and certainly not access to radioactive materials 2) It is a well-known fact that government and private industry have partnered with HBCU over the years 3) In such a partnership, it would or should be the responsibility of the partner with the hazard chemical/waste expertise for disposal and site cleanup, not the HBCU 4) DOR/EPA is in a position to determine what organizations were partners in science projects at Knoxville College and should seek cleanup cost in excess of \$400,000 it has incurred from these organizations and not Knoxville College 5) Potential partners with Knoxville College may include Union Carbide, DOE, etc. The information below regarding a science program partnership with Knoxville College is provided for your consideration.

A 1973 graduate of Knoxville College has brought to [the citizen's] attention information worthy of being passed on to you. During 1960, 1970 & 1980's, Knoxville College was engaged in a science program which was in partnership with the federal government, Union Carbide & the University of Tennessee. This research effort was funded through a grant & was highly protected, possibly classified & certainly not publicized. Radioactive materials were used. The science room on the 4th floor of the A. K. Stewart Science Building was secured because of the nature of the project & because of the security needed for safety. The metal doors to the room were locked at all times to shield the danger of any vapor, radiation, etc. than might escape. There is much more that comes into play in this delicate situation but for now we will focus on the bottom line. The responsibility of

the closure of the project should have been accountable to the federal government. This highly protected project should have been overseen thoroughly & to the very end to assure the proper removal, of materials followed through with the necessary storage &/or destruction of unsafe materials that would later prove to be stolen or exposed to the environment as a safety hazard to the public. Any expenses should consider the liable source of accountability to the federal government.

DOR intent to place science building on Hazard Substance sites – [the citizen] states that the hope is DOR will reconsider this action for the following reasons 1) securing the building as indicated above is not an improbability 2) identifying Knoxville College science project partners should provide DOR with a viable source of funds for total cleanup of the site; securing of the building; and demolition of the building, if required. We believe the existence of a liable partner in the science project situation is a very real possibility. We believe DOR via EPA has the influence to identify such partner(s) and obtain necessary funds for cleanup of site. We believe this would essentially eliminate the need for placement of A. K. Stewart Science on the Hazard Substance Site List.

Response: Please see previous responses on the security of the building. DoR, as discussed above, routinely searches for potentially liable parties at contaminated sites. If you have information or documentation that would help identify additional liable parties for the A.K. Stewart Science Building, please submit that information to:

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